

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

)

Case No. 5:25-MJ-200 (TWD)

)

)

PASCUAL AVILA-VICTORIA,

)

Defendant

)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of June 28, 2025 in the county of Oswego in the Northern District of New York the defendant violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 8, United States Code, Section 1326	Illegal Re-Entry

This criminal complaint is based on these facts:
See attached

181 Continued on the attached sheet.

RYAN P SWIFT

Digitally signed by RYAN P SWIFT
Date: 2025.07.02 10:11:15-04'00'

Complainant's signature

Ryan Swift, HSI Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: July 2, 2025



Judge's signature

City and State: Syracuse, New York

Hon. Therese Wiley Dancks, U.S. Magistrate Judge

Printed name and title

On June 26, 2025, the Fulton New York Police Department (FPO) was called to the residence of Pascual AVILA-Victoria. Following an investigation, AVILA-Victoria was arrested and charged by the state with resisting arrest and obstructing government administration (2d degree). AVILA-Victoria was released on those charges, and they are pending.

Immigration and Customs Enforcement (ICE) learned of the June 26 arrest through automated electronic biometric systems, alerting ICE to AVILA-Victoria's presence in the United States without inspection, permissions, administrative paroles, or an adjustment to his status. These automated systems provided an administrative number (AXXXXXXIO0) and a Federal Bureau Investigation ("FBI") number (XXXXXXLD5), which match fingerprints obtained by the Fulton Police Department. Based on the records provided by the Fulton Police Department and compared to records in OHS databases, ICE determined that AVILA-Victoria matched the records for the removed alien

Records checks reflected that AVILA-Victoria is a citizen and national of Mexico. He was first encountered on March 9, 2011, in the City of Syracuse New York by the Onondaga County Sheriffs Office and agents of the United States Border Patrol ("USBP"). He was taken into custody by USBP and processed, fingerprinted, and issued a Notice to Appear pursuant to 212(a)(6)(A)(i) of the Immigration Nationality Act ("INA"), after it was determined that he was in the United States without inspection, permission, or parole. On March 14, 2011, AVILA-Victoria was ordered removed by the Executive Office for Immigration Review. On March 18, 2011, he was deported from the Batavia Federal Detention Facility ("BFDF") to Mexico. This was confirmed by a properly executed I-205 Warrant of Removal/ Deportation and I-294 Warning to Alien Ordered Removed or Deported.

On June 28, 2025, ICE Enforcement Removal Operations (ERO) Deportation Officers and Special Agents with Homeland Security Investigations (HSI) conducted a targeted enforcement operation to arrest AVILA-Victoria. During surveillance, a male subject matching AVILA-Victoria's description was observed on the back deck of a residence pushing and striking a female. Officers and Special Agents, wearing clothing identifying themselves as law enforcement approached him, identified themselves as police and immigration, and attempted to take AVILA-Victoria into custody. AVILA-Victoria was warned several times that he was under arrest, but he actively resisted the application of physical restraints. He was eventually handcuffed after a struggle with multiple arresting officers, including an attempt to kick one of them. Deportation Officers and Special Agents placed AVILA-Victoria in a vehicle for transport. He began kicking the inside of the door and window. To prevent property damage and possible escape, Deportation Officers and Special Agents opened the door to further secure AVILA-Victoria's person for transport. As they attempted to remove AVILA-Victoria from the vehicle, AVILA-Victoria made a head-butt motion, knocking off an officer's hat and forcing him to recoil back. AVILA-Victoria continued to resist but was eventually secured in additional restraints and transported.

During the arrest, AVILA-Victoria made several statements, including in sum and substance and as relevant to this complaint, that he was in the United States illegally and had been for 20 years, and that he would reenter illegally again be back within a week.

On July 1, 2025, investigators interviewed AVILA-Victoria in immigration custody after providing him *Miranda* warnings, which he waived in writing. The interview was not recorded, but detailed notes were taken. In sum and substance and as relevant to this complaint, AVILA-Victoria admitted again that he was a citizen of Mexico and not of the United States, that he knowingly entered the United States illegally several times, that he had been ordered removed from the United States in 2011, and that he snuck back into the United States. When asked about attempting to break out of the vehicle and then head-butting an officer, AVILA-Victoria said "I was just mad and just fought with my wife. I was trying to get out, I didn't try to hurt the officer but I was wrestling with him yes."